

County of Santa Clara

Office of the Sheriff

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MEMORANDUM

Laurie Smith
Sheriff

DATE: October 2, 2020

TO: Honorable Members of the Board of Supervisors
Jeffrey V. Smith, County Executive

FROM: Laurie Smith, Sheriff DocuSigned by:
Laurie Smith

SUBJECT: **Item #234: Court Transport Cost Savings & Video Arraignments** D1CAB761935F446

At the May 5, 2020 Board of Supervisors meeting, Supervisor Cortese requested information on the significance of the actual cost savings on video arraignments compared to the significant cost of transport every year. A potential or opportunity for possible reallocation of resources around the justice system that the SO, DAO, and others may endorse was also requested.

This report details the steady decline in the number of court transports during the Covid-19 pandemic and the use of video arraignments as an alternative to physical attendance to court proceedings.

Court Transport Data:

YEAR	April	May	June	July	August
2019	12,892	13,464	11,040	13,412	12,138
2020	4,036	3,656	3,976	5,308	5,782
% decline	69% ↓	73% ↓	64% ↓	60% ↓	52% ↓

The decline in court transports were mainly attributed to the lower inmate population by 37%, the decrease in court hearings, and the option to avail of video arraignments. In addition, court proceedings were temporarily suspended or minimized during the period stated.

Video Arraignments:

1. Average of fifteen (15) video arraignments per day and 70 ~ 160 court transports daily where in-person appearance is required.

2. General staffing requirements:
 - a. One (1) Deputy assigned to work with attorneys and ensure client/attorney confidentiality.
 - b. Two (2) Deputies assigned to monitor remote video proceedings.
 - c. Four (4) Deputies assigned to move inmates from the housing areas to video arraignment holding areas. These deputies supervise the inmates in the holding area and provide security.
3. Arraignment deputies run court lists at 0620 hours and again at 0930 hours. Once the court list is generated, the arraignment deputies go to each housing unit to ascertain if the inmate would like to attend (or refuse) a video arraignment and determine if any of those inmates require a translator. The inmates have the option to attend court in person or via video arraignment. They must sign a waiver if they choose the latter.
4. Formal video arraignments are logistically handled by Technology Services and Solutions (TSS) department. Initially, the Sheriff's Office implemented a make-shift solution to hold the off-site proceedings.
5. While video arraignments were introduced during the COVID-19 pandemic, as an alternative to personal appearance in court proceedings, there were unexpected variables and challenges that the Office of the Sheriff had encountered.
 - a. Video Arraignments account for only a small number of overall court transports and inmates frequently decline to participate in video arrangement due to their Public Defender directing them not to sign the 'waiver' and instead request in-person public participation. In addition, inmates charged with violent/sex crimes or anything with major time exposure have to be transported.
 - b. The Court has requested additional Video Arraignment departments, so parallel increases to staffing will be necessary. To operate video arraignments from additional locations within the jail facilities to accommodate the added court departments with this option, additional Deputies are needed to operate as security/movement deputies within both facilities.
 - c. The COVID pandemic precautionary measures has actually resulted in a significant increase in transports, as Transportation deputies must make multiple trips to ensure compliance with social distancing. Occupancies have been limited to 20 ~ 30 on a bus from a previous maximum occupancy of 39 passengers. For vans, occupancy limit has been reduced to 4 ~ 7 from a previous maximum occupancy of 11 passengers.
 - d. When State and County officials ease COVID restrictions, and courts reopen, there will be an imminent influx of transportation needs as the jail population is expected to significantly increase from this artificially low state. The coming shift away from initiatives designed to reduce the jail population during this pandemic, such as zero bail releases and felony field citations, will result in a significant upturn in the jail census.

In summary, the current circumstances surrounding COVID prohibit us from providing a true accounting of the Transportation vs. Video Arraignment benefits.

c: Chief Board Aides
Miguel Marquez, Chief Operating Officer
James Williams, County Counsel
Megan Doyle, Clerk of the Board of Supervisors